

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**UNITED STATES OF AMERICA,
ex rel, THOMAS F. JAMISON**

PLAINTIFFS

Civil Action No. 2:08-CV-214-A-S

V.

**MCKESSON CORPORATION;
MCKESSON MEDICAL-SURGICAL
MEDINET, INC.; GGNSC HOLDINGS, LLC;
GOLDEN GATE ANCILLARY, LLC;
BEVERLY ENTERPRISES, INC.;
CERES STRATEGIES, INC.;
and CERES STRATEGIES MEDICAL
SERVICES, INC.**

DEFENDANTS

ORDER

This cause is before the court on motion of the plaintiff United States to compel (#340). The court, having reviewed the record, the motion and response thereto, and the applicable law and having heard oral argument, finds as follows: For the reasons announced by the court on the record at the conclusion of the parties' oral argument on March 18, 2011, the court finds that the motion should be GRANTED IN PART AND DENIED IN PART. Specifically, the court finds as follows:

(1) With regard to the "Julian Documents", the motion to compel is DENIED, as the documents have apparently already been produced.

(2) With regard to the motion to compel the production of Excel Files in native format, the court finds that all of the documents that the parties previously agreed would be produced electronically in native format have been produced in such format to the extent they were available in that format. The court finds that the more recent demand by the government that all

previously produced excel files- not just previously specified ones- be so produced, is made too late and is overly burdensome and oppressive, and it is therefore DENIED.

(3) With regard to the issue of Paul Julian's deposition, the court, consistent with its prior order, will permit the deposition of Mr. Julian, and this request is therefor GRANTED.

However, further extensions of deadlines in this case will not be granted. The parties are instructed that Mr. Julian's deposition may be taken outside of the discovery deadlines, but must be accomplished by October 28, 2011.

(4) If, in light of Mr. Julian's deposition, it is necessary for either party to supplement pending dispositive motions, the parties are instructed that they will need to file a motion to that effect with the district court justifying the need for said supplementation.

IT IS, THEREFORE, ORDERED that the motion to compel (#340) is hereby granted in part and denied in part pursuant to the order of the court. The parties are to bear their own costs.

SO ORDERED, this the 21st day of October 2011.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE